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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-seventh session
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Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the combined third and fourth periodic reports of Morocco

The State party is requested to submit in writing additional, updated information, if possible by 15 June 2014.

The Committee may take up any aspects of the children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions (30 pages maximum).

1. Regarding the role of the Ministry for Solidarity, Women, the Family and Social Development in coordinating activities relating to the implementation of the Convention, as mentioned in the State party report (CRC/C/MAR/3-4, para. 39), please provide information on the human, financial and technical means allocated to the Ministry to fully carry out this function.

2. Regarding paragraphs 38 and 41 of the State party report, please provide information on measures taken to set up, under the National Human Rights Council, an independent mechanism to monitor and assess the implementation of the Convention that is accessible and adapted to children and is empowered to receive and process individual complaints of children's rights violations.

3. Please briefly explain what measures have been taken, following the 2008 and 2011 assessments by the Ministry for Solidarity, Women, the Family and Social Development, to achieve the objectives contained in the National Plan of Action for Children 2006–2015, especially those pertaining to child protection.

4. Please provide information as to whether the State party has established mechanisms to trace funds allocated to the implementation of the Convention in social sector budgets and to monitor the effective and efficient use of these resources, including international cooperation funds, which allegedly are not always devoted to the implementation of

children's projects because of insufficient capacity at the Ministry for Solidarity, Women, the Family and Social Development.

5. Please indicate whether the State party has assessed the impact of corruption on the rights of children and their families and report on the results obtained since the launch of the anti-corruption plan 2010–2012.

6. Please explain the measures taken by the State party to correct growing disparities between the richest and poorest children and families. Please also provide information on the measures taken to counter discrimination against children living in rural and remote areas, particularly in terms of their rights to education, health and a decent standard of living.

7. Regarding paragraph 63 of the State party report, please provide information on plans to repeal remaining provisions of the Family Code that are discriminatory towards girls. Please also provide information on measures taken to combat sexist stereotypes that continue to prevent girls from fully enjoying their rights.

8. In the light of the consequences of the criminalization of extramarital sexual relations (article 490 of the Criminal Code) in terms of the reportedly ever-increasing abandonment and stigmatization of children born out of such relations, please indicate how these children can establish their paternal filiation. Specifically, please state whether they and their mothers can demand a DNA test to establish paternity.

9. Given that child marriage is still practised in the State party, partly because of the inclination of judges to waive the statutory minimum marriage age, please explain on what basis the minimum age is waived and what measures are taken or planned to end child marriage. Please also provide information about measures to assist all girls who were married to the men who had abused them prior to the repeal of article 475, paragraph 2, of the Criminal Code on 22 January 2014, and who are still subjected to sexual violence.

10. Please describe the concrete measures taken following the studies conducted in 2005 by the Ministry of Education and in 2006 by the Ministry of Justice and Freedoms, which revealed the extent of violence against children in all contexts, especially in schools and institutions for children deprived of their family environment, and against children with disabilities, girls employed as domestic workers and street children. In particular, please provide information on concrete measures taken to change the sort of social attitudes that tolerate and generate such violence and specify whether the State party has prohibited corporal punishment, as it undertook to do in 2012 during the universal periodic review (A/HRC/21/3, para. 129.65). Lastly, please provide information on measures taken to set up a coherent child protection system, expand child protection units to the entire country and grant them the resources needed to function adequately.

11. Please provide information on the measures taken by the State party to resolve the situation whereby more than half the children placed in institutions reportedly still have at least one of their parents and are institutionalized because they are poor. In particular, please specify what measures are in place to provide assistance to underprivileged families to ensure that children are not institutionalized. Please also describe steps taken to formulate a framework law and related coherent strategy regarding alternative care, end violence against children in institutions and urgently remove abandoned children still living in hospitals.

12. Please provide information on measures planned to reform the *kafalah* system and ensure that children in *kafalah* have a stable situation and are not discriminated against within the family. Please also provide information on the measures the State party is planning to counter the effects of Circular No. 40 S/2 of 19 September 2012 on children deprived of their family environment. It appears that since its entry into force, these

children are more likely to remain in institutions and some have lost the opportunity to live with host families with whom they have established a bond.

13. In the light of data provided in paragraph 135 of the State party report, according to which only 32.4 per cent of children with disabilities attend school and less than one third have access to adequate care, please describe the measures taken to remedy this situation, urgently remove children with disabilities living in child protection centres and end the discrimination they face. Please also provide specific information on the measures taken to develop inclusive education in the State party.

14. Please provide information on measures taken since the implementation of the 2008–2012 emergency plan of the Ministry of Education to ensure that all children have access to good quality education, end ongoing discrimination against children living in rural areas and girls, and combat school failure and dropout. Please also explain the measures taken to oversee the quality and conditions of teaching in private schools and to ensure that teachers in public school are not transferred to private institutions.

15. Please provide information on measures taken to remove obstacles that migrants and asylum seekers face when trying to register their children's birth, especially the fees required, which many of them cannot afford. Please also describe measures the State party has taken to protect unaccompanied children, determine their best interest and provide them with legal representation. Please comment on reports that refugee children and child asylum seekers are arrested, detained or sent back, sometimes even in the desert between Morocco and Algeria. Lastly, please provide complete information on the fate of minors held in the three migrant centres that were established in July and August 2013 and are guarded by the military.

16. Please provide detailed information on legislative and other measures to end the exploitation of girls working as domestic workers in Morocco and to bring to justice those who exploit children and subject them to various forms of physical, psychological and sexual abuse and those who act as intermediaries in placing children in exploitative situations. Lastly, please provide complete information on what remedies are available to these children to complain of the exploitation and abuse to which they are subjected and obtain assistance and on the measures taken to inform them of these remedies.

17. Please clarify whether child victims of sexual abuse can be prosecuted pursuant to article 490 of the Criminal Code and whether child beggars and loiterers can be considered as delinquents and prosecuted under articles 326 and 329 of the Criminal Code. If so, please provide precise details of any cases that have given rise to proceedings.

18. Please describe what investigations have been conducted into the alleged trafficking of children born out of wedlock, which primarily affects girls and would explain the significant discrepancy between the number of female and male babies placed in orphanages.

19. Please provide information on the measures taken by the State party to formulate a comprehensive strategy to protect street children, prevent the situation and reduce their number, as recommended by the Committee in its previous concluding observations (CRC/C/15/Add.211, para. 65).

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages in length) on the information presented in its report regarding:

(a) New bills and laws, and their respective regulations;

(b) New institutions and their mandates, and institutional reforms;

(c) Recently introduced policies, programmes and action plans and their scope and financing;

(d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide, if possible, updated statistical data for the past three years (disaggregated by age, sex, geographic location, ethnic origin and socioeconomic background) regarding:

(a) The number of child victims of violence, including sexual violence and exploitation;

(b) Investigations into cases of violence and the outcome of any prosecutions, in particular the penalties imposed on perpetrators and the reparation and compensation awarded to victims;

(c) The number of street children;

(d) The number of children separated from their parents;

(e) The number of children placed in institutions or foster families or living in hospitals after being abandoned;

(f) The number of children suffering from malnutrition;

(g) Early marriage and pregnancies;

(h) The number of children with disabilities attending inclusive or specialized schools and how many are placed in institutions;

(i) The number of children who dropped out of primary school;

(j) The number of migrant children, child asylum seekers and child refugees and how many have received State protection;

(k) The number of child domestic workers;

(l) The number of detained children, the grounds and duration of their detention as well as the number of children placed in child protection centres.

2. Please provide the Committee with an update of any data in the report which may have been superseded by more recent data collected or affected by new developments.

3. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.